

## **REMARKS**

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed October 11, 2006.

Claims 14-17 were allowed. Claims

Claims 1, 3-7, 9-27, 29-30, and 36 remain in the application. Claims 1-35 were originally presented. Claims 2, 8, 28, and 31-35 have been canceled without prejudice. Claims 1, 9, 13, 14, 18, 21, 27, and 29 have been amended. Claims 9, 13, 14 and 29 have been amended only to correct dependency. New claim 36 has been added. No new matter has been added. Support for the new claim and amendments is clearly found in the original claims, specification, and in the figures

The indication allowable subject matter in claims 14-17, if rewritten in independent form, is acknowledged with appreciation. Accordingly, new claim 36 incorporates the subject matter claim 1 and the allowable subject matter of claim 14 and all intervening claims. Thus, claim 36 is in condition for allowance.

Claims 8-13, 21-26, 28 and 29 were rejected only on grounds of non-statutory obviousness-type double patenting. No prior art was cited against these claims. As discussed below, terminal disclaimers are attached to overcome the double patenting rejection. Therefore, claims 8-13, 21-26, 28 and 29 are allowable. Independent claim 1 has been amended to include the subject matter of allowable claim 8, and is therefore allowable. Independent claim 18 has been amended to include subject matter of allowable claim 21, and is therefore allowable. Independent claim 27 has been amended to include subject matter of allowable claim 28, and it therefore allowable.

Therefore, all the pending claims 1, 3-7, 9-27, 29-30 and 36 are in condition for allowance.

### **Double Patenting**

Claims 31-35 stand provisionally rejected under § 101 (statutory "same invention" type double patenting) as claiming the same invention as that of claims 1-5 of prior U.S. Patent No. 6,636,584. Accordingly, claims 31-35 have been canceled.

Claims 1-7, 18-20, and 31-35 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,636,584. A terminal disclaimer is attached to overcome this rejection. The present application and U.S. Patent No. 6,636,584 are commonly owned.

Claims 8-13, 21-26 and 28-29 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,636,584 and U.S. Patent No. 6,587,590. A terminal disclaimer is attached to overcome this rejection. The present application and U.S. Patent Nos. 6,636,584 and 6,587,590 are commonly owned.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 1-6, 18-19, and 27 (including independent claims 1, 18, and 27) were rejected under 35 U.S.C. § 103 as being unpatentable over Spivey et al (U.S. Patent No. 5,305,757) or Clement et al (U.S. Patent No. 4,328,707) in view of Brenden (U.S. 3,765,403). Applicant notes that the patent no. for Spivey et al is U.S. Patent No. 5,305,752 and directs remarks to this patent.

As discussed above, independent claim 1 has been amended to include the limitations of allowable claim 8. Independent claim 18 has been amended to include the limitation of allowable claim 21. Independent claim 27 has been amended to include the limitations of allowable claim 28. Thus, the independent claims 1, 18, and 27 are allowable. Claims 2-7, 9-17, 19-27, and 29-30 are allowable for at least their dependence on an allowable independent claim.

Claims 7, 20, and 30 were rejected under 35 U.S.C. § 103 as being unpatentable over Spivey et al (U.S. Patent No. 5,305,757) or Clement et al (U.S. Patent No. 4,328,707) in view of Brenden (U.S. 3,765,403), and further in view of Green et al (U.S. Patent No. 4,433,690).

Applicant respectfully submits that claims 7, 20 and 30 are allowable for at least their dependence on an allowable independent claim, and urges the Examiner to withdraw the rejection.

## CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1, 3-7, 9-27, 29-30 and 36 are in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Garron M. Hobson at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

One independent claim was added (claim 36), while 8 claims were canceled (claims 2, 8, 28, and 31-35), including one independent claim (claims 31). Therefore, no additional fee is due. The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 9<sup>th</sup> day of January, 2007.

Respectfully submitted,



Garron M. Hobson  
Registration No. 41,073

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633